

Town of



AMHERST

Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
(413) 256-4035
Email: townclerk@amherstma.gov

BYLAW APPROVAL
BY STATE ATTORNEY GENERAL

I, Anna M. Maciaszek, Town Clerk of Amherst, Massachusetts certify that the attached is a true copy of the amendments to the Zoning Bylaws/Map adopted under Articles 18, 19, 20 and 22 of the warrant for the Special Town Meeting that convened April 27, 2005, with the approval of the Attorney General of Massachusetts, herewith.

Attest:

Anna M. Maciaszek
Town Clerk
October 18, 2005

Any claims of invalidity in the case of Zoning Bylaws by reason of any defect in the foregoing procedure of adoption may only be made within 90 days of the posting of this notice.

Date posted 10/19/2005

On the above date written I have posted copies of the bylaw amendments passed at the November 8, 2004, Special Town Meeting and approved by the Attorney General of Massachusetts on December 8, 2004, at the following places in town:

Precinct 1	North Amherst Post Office	Precinct 6	Fort River School
Precinct 2	North Fire Station	Precinct 7	Crocker Farm School
Precinct 3	Marks Meadow School	Precinct 8	Munson Memorial Library
Precinct 4	Amherst Post Office	Precinct 9	Wildwood School
Precinct 5	Town Hall	Precinct 10	Campus Center, UMass

Constable, Town of Amherst





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

THOMAS F. REILLY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

October 17, 2005

Anna M. Maciaszek, Town Clerk
4 Boltwood Avenue
Amherst, MA 01002

**RE: Amherst Annual Town Meeting of April 27, 2005 — Case # 3518
Warrant Articles # 18, 19, 20, and 22 (Zoning)**

Dear Ms. Maciaszek:

Articles 18, 19, 20, and 22 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Amherst annual town meeting that convened on April 27, 2005, and the map pertaining to Article 18.

Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

THOMAS F. REILLY
ATTORNEY GENERAL

Kelli E. Gunagan
by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.

pc: Town Counsel



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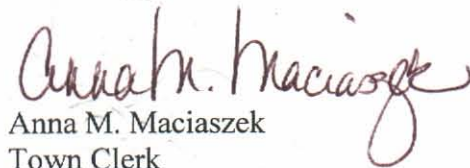
ARTICLE 18
FORM 2 / ATTACHMENT 2
TOWN MEETING ACTION

ANNUAL TOWN MEETING
APRIL 27, MAY 2, 4, 23, JUNE 1, 6, 8, 15, 20, 23, 2005

ARTICLE 18. Zoning Map - Olympia Drive Rezoning (R-F to R-N) (Planning Board)
VOTED by a declared 2/3 vote that the Town vote to amend the Official Zoning Map to change the zoning designation of Map 8D, Parcel 20 from Fraternity Residence (R-F) to Neighborhood Residence (R-N).

Action taken on 5/2/2005.

A true copy, attest:


Anna M. Maciaszek
Town Clerk





Parcel affected
by article 18.



100 200 400 Feet
1 inch equals 400 feet

Map Design: Amherst GIS 7/11/2005

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ARTICLE 19

Form 2 – Attachment 2

Town Meeting Action

ARTICLE 19. Zoning Bylaw - Supplemental Apartments (Planning Board)

VOTED Yes 139, No 36 that the Town amend Section 5.011 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the new language in ***bold italics***, amending section 5.01113 to read "... no more than three (3) people" and reorganizing the section as follows:

5.011 Supplemental Apartment

5.0110 *A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to a single family detached dwelling. As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirement of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.*

5.0111 The Board of Appeals may authorize under a Special Permit in *the* Outlying Residence, Low Density Residence, Neighborhood Residence, ~~and~~ Village Center Residence *and General Residence* Districts, one supplemental apartment accessory to the use of a ~~one~~single-family dwelling, provided that:

5.01110 There shall not be more than ~~600~~ 800 square feet of gross floor area in ~~the~~ a supplemental apartment, ~~and except that any apartment built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in gross floor area.~~


5.01111 Any ~~one~~ single family dwelling in which a supplemental apartment is constructed shall not be used simultaneously as ~~a Rooming House for accessory lodging under any provision of Section 5.010.~~

5.01112 *One of the dwelling units shall be occupied by the owner(s) of the principal single family residence, which requirement shall be made a condition of any Special Permit issued under this section.*

5.01113 *Notwithstanding the provisions of Section 12.14, a supplemental apartment shall be occupied by a total of no more than three (3) people.*

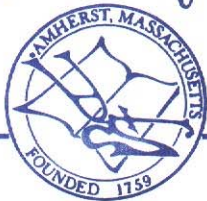
Action taken on 5/4/2005.

A true copy, attest:


Anna M. Maciaszek
Town Clerk



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ARTICLE 20
FORM 2 – ATTACHMENT 2
TOWN MEETING ACTION

ARTICLE 20. Zoning Bylaw - Affordable Cluster Dimensions (Planning Board)

VOTED unanimously as amended that the Town amend the dimensional table for affordable cluster developments under Section 4.332 of the Zoning Bylaw by removing the ~~lined out~~ numerals and adding the numerals in **bold italics** except to remove the amendments to Maximum Building Coverage and Maximum Lot Coverage for single family (SF) dwelling units in the R-N and R-VC districts and to add an asterisk following the number 35 under Maximum Lot Coverage of R-N, Duplex/Attached dwellings, as follows:


4.332 For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3:

	R-LD		R-O		R-N		R-VC	
	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached
Cluster Minimum Lot Areas (sq. ft.)	25,000	25,000	15,000	15,000	10,000	10,000	7,500	7,500
Additional Lot Area/Family (sq. ft.)		10,000		6,000		4,000		2,500
Lot Frontage (ft.)	100*	100*	100*	100*	80*	80*	60*	60*
Minimum Front Setback (ft.)	40* 20*	40* 20*	40* 20*	40* 20*	30* 15*	30* 15*	25* 10*	25* 10*
Minimum Side/Rear Setback (ft.)	15*	15*	15*	15*	15*	15*	10*	10*
Maximum Building Coverage (%)	10*	10*	15*	15*	20*	20* 25*	25*	25* 30*
Maximum Lot Coverage (%)	15*	15*	25*	25*	30*	30* 35*	40*	40* 45*

*May be modified by the Planning Board by Special Permit.

Action taken on 5/23/2005.

A true copy, attest:


Anna M. Maciaszek
Town Clerk



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ARTICLE 22
FORM 2 – ATTACHMENT 2
TOWN MEETING ACTION

ARTICLE 22. Zoning Bylaw - Inclusionary Zoning (Planning Board)
VOTED by a declared 2/3 vote that the Town add a new Article 15, Inclusionary Zoning, to the Zoning Bylaw as follows:

A. Add the following new Article 15, Inclusionary Zoning:

ARTICLE 15 INCLUSIONARY ZONING

15.0 INTENT & PURPOSE
15.1 REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in Section 12.20.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:



- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units at the following minimum rates:

<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

For developments of **21** or more total units, calculation of the number of affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

- 15.11 Affordable dwelling units provided under Section 15.10 shall be counted as meeting the requirements for affordability density bonuses under the provisions of Section 4.550.0 (Open Space Community Developments).
- 15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available for purchase by eligible low-and moderate-income buyers, and available for a minimum of twenty years in the case of rental housing.
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.14 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape.

Action taken on 5/4/2005.

A true copy, attest:


Anna M. Maciaszek
Town Clerk